

Notice of Allowability

Application No.

10/754,342

Applicant(s)

JONES, MICHAEL H.

Examiner

Art Unit

Sheridan K Snedden

1653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 3/22/2004.
2. ☒ The allowed claim(s) is/are 32-36 and 40-68.
3. ☒ The drawings filed on 09 January 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/698,295.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>1/9/2004</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. Applicant's amendment filed 3/22/2004 is acknowledged. Claims 1-31, 38-39 have been canceled. Applicant's amendment of claims 35, 49, 52 and 55 is acknowledged. Applicant's addition of new claims 58-68 is acknowledged. Claims 32-37 and 40-68 are under examination.

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Janis Fraser on February 28, 2005.

3. The application has been amended as follows:

a. Cancel Claim 37.

b. Amend Claim 35 as follows: An isolated nucleic acid comprising a strand that is at least 3000 nucleotides in length and hybridizes under high stringency conditions to a single stranded probe, the sequence of which probe consists of SEQ ID NO: 2 or 9 or the complement thereof, wherein the nucleic acid encodes a polypeptide that contains at least one bromodomain and binds to a protein selected from the group consisting of hSNF2H, hSNF2L and NCoA-62/Skip, and wherein the high stringency conditions comprise hybridization at 50 °C and washing in 2X SSC containing 0.1% SDS.

IN THE SPECIFICATION:

At page 22, lines 14-19 replace the paragraphs as follows:

--Fig. 2A 2a shows the results of analysis of mono-chromosome hybrid cell panel against chromosome no. 17 using nb15G and nb15H primers. Shows the human chromosome including each hybrid. The product of 133 bp was specifically amplified in GM10498 cell-system, which is a mono-chromosome of human chromosome no. 17.

Fig. 2B 2b shows the result of GeneBridge 4 radiation hybrid panel analysis by which the location of "TcoA1" was determined on chromosome no. 17. --

At page 22, lines 20-23, replace the paragraph as follows.

--Fig. 3a-b shows the electrophoretic pattern of the "TcoA1" expression in normal human tissues as detected by northern-blot analysis. "TcoA1" was used as the probe when hybridizing the filter in "A" "3a" and actin was used in "B" "3b". The right side of the figure shows markers.--

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance: The applicant has claimed nucleic acid molecules of SEQ ID NO: 2 or 9 and structural variants thereof that retain the ability to bind to hSNF2H, hSNF2L and/or NCoA-62/Skip. A standard search did not produce any prior art that suggests or teaches the claimed invention. Thus, the claimed invention is novel and nonobvious over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Claims 32-36 and 40-68 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheridan K Snedden whose telephone number is (703) 305-4843. The examiner can normally be reached on Monday - Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon Weber can be reached on (571) 272-0925. The fax phone number for regular communications to the organization where this application or proceeding is assigned is (703) 872-9306.

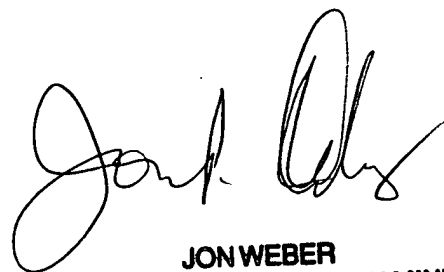
Art Unit: 1653

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

SKS

February 28, 2005

SKS



JON WEBER
SUPERVISORY PATENT EXAMINER